In the High Court of Punjab and Haryana at Chandigarh

F.A.O No. 5348 of 2015 (O&M)
Date of Decision: 24.7.2017

Sukhbir Kaur and others ......Appellants

Versus

Narinder Singh and others ....Respondents

CORAM: HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. C.L.Verma, Advocate
for the appellants.

Ms. Sukhpreet Kaur, Advocate
for respondents No. 1 and 2.

Mr. D.R.Bansal, Advocate
for the insurance company.

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ANITA CHAUDHRY, J

CM-16850-CII-2015

The application is allowed for the reasons stated therein.

The delay of 54 days in filing the appeal is condoned.

FAO-5348-2015 (O&M)

This is the claimants' appeal seeking enhancement in the award dated 20.12.2014 passed by the Motor Accident Claims Tribunal, Amritsar.

The matter was sent to the Lok Adalat but was returned as the matter could not be settled.

Counsel for the appellants at the very outset urges that the Tribunal had taken the age of the deceased as 53 and had applied a wrong multiplier and therefore the compensation is less. He submits that the deceased was 43 years old and instead of 11, the multiplier should have been 14 and the deduction of 50% has wrongly been made which should have been 1/4th. The counsel further submits that no amount has been allowed for loss of consortium and funeral expenses and a lump-sum amount of Rs. 10,000/- was added which is too less.

The submission on the other hand is that the Tribunal should have ordered the deduction on income tax which has not been done in this case.

Kulbir Singh was a Lineman with PSPC Limited. He was 43 years old at the time of the incident. The Tribunal took the age of the deceased as 53 years i.e. the age indicated in the post-mortem report, though his date of birth was available on record. The Tribunal had wrongly deducted 50% towards personal expenses and had applied wrong multiplier, therefore the calculations will have to be made again. Taking the income to be Rs. 23,000/- per month and making a deduction of $1/4^{th}$, the amount available to the family would be Rs. 17,250/- and the compensation would be Rs. 17250/- x 12 x 14 = 28,98,000/-. To this a sum of Rs. 1,00,000/- is added for loss of consortium, Rs. 25,000/- as funeral expenses, Rs. 1,00,000/- for loss of estate. The total amount comes to Rs. 31,23,000/-. The Tribunal had awarded Rs. 15,34,600/- which would be deducted and the remaining amount i.e. 15,88,400/- would be paid after deducting income tax, if any, with interest @ 6% from the date of filing of the appeal till the amount is actually paid.

The appeal is partly allowed.

(ANITA CHAUDHRY)
JUDGE

July 24, 2017
Gurpreet

Whether speaking/reasoned : Yes
Whether reportable : No